

Application No.: 10/501,004
Filing Date: December 13, 2004

REMARKS

Upon entry of the foregoing amendment, Claims 1-3, 5-6, and 9-32 remain pending in the above-identified application. Claims 1, 5, 6, 9, 13, 27, and 28 have been amended. No claims have been added. Claims 4, 7, and 8 have been canceled.

Rejection of the Claims Under 35 USC § 112

Claims 1-2, 4-10, 16-17, and 27-30 stand rejected under 35 USC § 112 as being indefinite for using the term “and/or.” Applicant respectfully submits that this term is not indefinite, but has nevertheless amended independent Claim 1 to further clarify its meaning and expedite allowance. Applicant respectfully submits that the removal of “and/” does not change the meaning of independent Claim 1.

Claim 2 stands rejected under 35 U.S.C. § 112 as being indefinite for lacking antecedent basis. Such antecedent basis has been added to independent Claim 1. Further, Claim 2 stands rejected for using the term “latter.” Applicant respectfully disagrees with the rejection and submits that the term was clear. Nevertheless, Applicant has amended Claim 2 to clarify its meaning and expedite allowance.

Thus, Applicant respectfully requests that the rejections under 35 U.S.C. § 112 be withdrawn as moot.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that Claims 8-10 and 27-30 contain allowable subject matter. Applicant has amended Claim 1 to include the limitations of previously pending Claim 8, including the limitations of intervening claims 4 and 7.

Rejection of the Claims Under 35 USC § 103

Claims 1-2, 4-7, and 16-17 stand rejected under 35 USC § 103(a) as being unpatentable over at least Mosseri (U.S. Pat. No. 6,231,611) in view of Oh (U.S. Patent No. 4,475,549). Applicants respectfully disagrees with the rejections. For example, the Office Action indicates that element 7 (or 7b) of Mosseri is a “manipulation cup” in rejecting independent Claim 1.

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However, element 7 of Mosseri is a “bearing arm” with an “arc of a circle 7b.” Applicant respectfully submits that the arm 7 and arc 7b are not a manipulation cup.

Nevertheless, Applicant has amended the claims to expedite allowance. More particularly, Applicant has amended Claim 1 to include the subject matter of previously pending Claim 8, which the Examiner indicated as allowable. Thus, Applicant respectfully submits that amended Claim 1 is allowable. Claims 2, 4-7, and 16-17 depend from amended Claim 1. Accordingly, Applicants respectfully submit that Claims 2, 4-7, and 16-17 are likewise patentable over the cited references, not only because these claims depend from an allowable base claim, but also because each of these claims recites a unique combination of features not taught in the cited art.

Rejoinder

Claims 3, 11-15, 18-26, and 31-32 were withdrawn as being drawn to a non-elected invention or species. Applicant respectfully requests rejoinder of Claims 3, 11-15, 18, and 31-32, as they are now drawn to an allowable base claim.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For at least the forgoing reasons, the Applicant believes that the pending claims are in condition for immediate allowance.

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Applicant respectfully submits that any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion or that the limitation discussed is essential or critical; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Office Action's rejections and each of the Office Action's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence, disclaimer or estoppel is intended or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Applicant may not have presented in all cases, all arguments concerning whether the applied references can be properly combined or modified in view of the deficiencies noted above, and Applicant reserves the right to later contest whether the cited references can be properly combined or modified.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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